

LENOX PUBLIC SCHOOLS

Roland M. Miller, Superintendent of Schools
Henry C. Maimin, Director of Business Services

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Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

RE: In the Matter of Request for Review by the Lenox Public Schools of Decision of Universal Service Administrator; FCC Docket Nos. 97-21 and 96-45.

Gentlemen:

The Lenox Public School District appeals the Administrator's Decision on Appeal dated May, 26, 1999 [copy enclosed] for the following funding request:

Billed Entity Number: 120117
Application Number: 108524
Funding Request Number: 131198

The Administrator denied the funding request on the grounds that "services listed as Internet access included some internal connection services, specifically Cisco routers.... Since internal connections are funded only at the 70% level or above, these service could not be supported for this funding period."

The Administrator has erred. The Form 471 in question filed by the Lenox Public School District makes no request for support for Internal Connections. The three lines listed in Block 5 seek funding solely for Telecommunication and Internet Access Services.

We can only assume, from the Administrator's reference, that the source of the Administrator's error may be in the information provided in Form 471, Block 17. There, exactly as directed in the instructions for Block 17 of Form 471, are listed two Cisco Routers and a Kentrex CSU/DSU. The Block 17 directions state:

"a list (is to be) attached ... of ALL (emphasis added) of the services that each service provider is providing to the billed entity."

The list of services appended by the Lenox Public School District for Block 17 includes two Cisco Routers and a Kentrex CSU/DSU which were purchased from Logical Net. Logical Net is the service provider from which the School District purchased Internet access, for which support was requested. However, the Lenox Public Schools paid LogicalNet directly for the Cisco Routers and Kentrex CSU/DSU, and never sought funding or support from the USAC for that purchase nor for any other equipment that might be construed as Internal Connections. These items, acquired from the same company as provides us with internet access, and admittedly relating to internal

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connections, were merely listed in Block 17 as required by the Form. Our request for funding support, however, was simply for the \$300 monthly fee which our internet service provider, LogicalNet, charges as our internet port charge.

Simply stated, we have never requested funding for internal connections, and are only requesting funding support for internet access.

The following facts support this appeal:

1. The Form 471 filed by the Lenox Public School District does not request support for Internal Connections.
2. Internal Connection equipment is listed in Block 17 only in compliance with SLC directions in Form 471 to list ALL services provided by the service provider. The directions do not say to list just those services for which support is requested.
3. Lenox Public Schools purchased the routers in question from the same vendor through which it purchases Internet Access. The routers and associated equipment were, however, purchased under a separate one-time purchase order which has been paid.
4. The funds requested under the Form 471 for Logical Net SPIN Number 143009268 were solely for the monthly Internet Access Port Charge of \$300/month.

In conclusion, the Administrator has wrongly determined that Lenox Public School District sought support for Internal Connections, and has wrongly denied support for Internet Access to which the Lenox Public School District is entitled. We respectfully request that the Commission overturn the Administrator's Decision on Appeal and that the funding request be granted.

Thank you very much for your consideration.

Sincerely,



Henry C. Maimin
Director of Business Services

cc: Schools and Libraries Division,
Universal Service Administrative Company

Enclosures:

Form 471
SLC Funding Decision Letter dated January 19, 1999
Our Letter of Appeal to SLC dated January 28, 1999
Our Letter to SLC dated March 24, 1999
Administrator's Decision on Appeal dated May 26, 1999

FCC Form

471

Schools and Libraries Universal Service Services Ordered and Certification Form

Approval by OMB
3060-0806

JUN 11 1999

Estimated Average Burden Hours Per Response: 6 hours

This form asks schools and libraries to list the eligible telecommunications-related services they have ordered and estimate the annual charges for them so that the Schools and Libraries Corporation can set aside sufficient support to reimburse providers for services.

Please read instructions before completing. (To be completed by each Billed Entity)

Block 1: Applicant Address and Identifications (School, library, or consortium desiring Universal Service funding.)

1. Name of Applicant (Billed Entity) Lenox Public Schools	2. Funding Year 1998
3a. NCES School Code (if individual school) or NCES Library Code (if individual library) 06750	
3b. Billed Entity Number 120117	

4a. Type of Applicant

(Check only one box.)

- ☐ school
☒ school district
☐ library or library consortium under the LSTA
☐ consortium of multiple entities

4b. If applicant is a consortium, check all other boxes that apply:

- ☐ includes non-governmental entities ineligible for support
☐ region of a state ☐ statewide ☐ multi-state
☐ state educational agency
☐ local educational agency
☐ educational service agency

5. Applicant's Street Address, P.O. Box, or Route Number

6 Walker Street

City Lenox	State MA	Zip Code 01240	Telephone Number (413) 637-5550	E-mail Address rmmiller@massed.net
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6. Contact Person's Name **Gloria B. Brazie**

Street Address, P.O. Box, or Route Number (if different from Item 5)

City	State	Zip Code
------	-------	----------

Fill in all of the following (if available), and check the preferred mode of contact: ☒ Telephone **413-637-5550**
☒ FAX **(413) 637-5559** ☐ E-mail **rmmiller@massed.net** ☐ Mail

Block 2: Purpose of Request

7. Purpose of Request: (Check all that apply, if any.)

- a. ☒ Discount on contract(s) signed prior to a request being posted on the Administrator's website.
 Was an FCC Form 470 filed with regard to all the contract(s)? ☒ Yes ☐ No
 b. ☒ Discount on contract(s) signed after a request being posted on the Administrator's website.
 c. ☐ Minor modification or supplement to existing contract(s) for which a Form 471 was already filed.
 471 Application Number _____

Block 3: Characteristics of Applicant and Applicant's Service Order (derived from FCC Form 470 Blocks 2 & 3)

8a. Number of students 782	8b. Number of library patrons n/a		
9. Number of buildings to be served 3	10. Number of rooms to be served 150		
<table border="1"> <tr> <td>Existing Service</td> <td>Total Services After Order</td> </tr> </table>		Existing Service	Total Services After Order
Existing Service	Total Services After Order		

Contact Person's Name

Phone Number: (413) 637-5550

11. Telecom

a. Number of
(See instructions)

b. Number of

c. Number of

12. Internal Connections

a. Number of lines

b. Number of ports

c. Highest speed

13. Internet Access

a. Number of dial up connections

b. Highest speed of such dial up connections

c. Number of direct connections

d. Highest speed of such direct connections

	35	35
	200	250
	0	0
	3	3
	150	150
	100 mb	100 mb
	3	3
	28.8k	128k
	2	2
	56k	384k

Block 4: Determining Discount Percentage

14. Fill in one line per school, library, or library consortium and calculate in the last line, an average discount rate for the billed entity. Attach additional pages if necessary. *Notes:* If the applicant has already completed this chart for all of the same entities with data that is current, provide the "471 Application Number" (Item 3b), from that previous FCC Form 471 here:

(1) Name of Individual School or Library	(2) NCES or Comparable Code for School or Library (Obtain from Administrator)	(3) Urban or Rural	(4) <i>For Schools:</i> Number of Students <i>For Libraries:</i> NCES Code of a School in its District	(5) <i>For Schools:</i> Number of Students Eligible for National School Lunch Program	(6) Discount Calculated from Discount Matrix	(7) Check if School or Library will use "Shared Services" listed in Item 15.
Lenox Memorial/ Middle/High School	2506750-00978	U	430	37	.40	<input type="checkbox"/>
						<input type="checkbox"/>
Morris Elem. School	2506750-00979	U	352	38	.40	<input type="checkbox"/>
						<input type="checkbox"/>
						<input type="checkbox"/>
						<input type="checkbox"/>
FOR SHARED SERVICES ORDERED BY BILLED ENTITY (attach worksheet of calculations)						

Contract Person's Name Gloria B. Brazil and Phone Number: (413) 637-5550

Block 5: Services Ordered

(1)	(2)	CONTRACT			(6)	(7)	Amount		(10)	(11)
SLC Service Provider Number or Full Legal Name of Service Provider	Universal Service Control Number for Form 470 on which this is based	(3) Contract Number (if applicable)	(4) Award Date	(5) Expiration Date	Services or Products	Service Start Date	(8) Estimated One Time Pre-discount Cost	(9) Estimated Monthly Pre-discount Cost	Estimated Total Annual Pre-discount Cost	Percentage Discount (from Item 14)
Bell Atlantic 43001219	9831000000 53813	TAR H900	T	T	Telecommunication Services	03-31-98	n/a	1,451	13,059	.40
		TAR H900	T	T	Internet Access	03-31-98	n/a	382.50	1,148	.40
					Internal Connections (Shared)					
Digital Corp 3009268	9831000000 53813				Telecommunication Services					
		n/a	4/13/98	6/30/99	Internet Access	07-01-98	3625	300	1,800	.40
					Internal Connections (Shared)					
					Telecommunication Services					
					Internet Access					
					Internal Connections (Shared)					

*Block 5
Revised
8/7/98*

Contact Person's Name Gloria B. Brazie and Phone Number: (413)637-5550

Block 5: Services Ordered

(1)	(2)	CONTRACT			(6)	(7)	Amount		(10)	(11)
SLC Service Provider Number or Full Legal Name of Service Provider	Universal Service Control Number for Form 479 on which this is based	(3) Contract Number (if applicable)	(4) Award Date	(5) Expiration Date	Services or Products	Service Start Date	(8) Estimated One Time Pre-discount Cost	(9) Estimated Monthly Pre-discount Cost	Estimated Total Annual Prediscount Cost	Percentage Discount (from Item 14)
Bell Atlantic 143001219	9831000000 53813	TAR H900	T	T	Telecommunication Services	03-31-98	n/a	1,451	13,059	.40
		TAR H900	T	T	Internet Access	03-31-98	n/a	382.50	1,148	.40
					Internal Connections (Shared)					
Logical NetCorp 143009268	9831000000 53813				Telecommunication Services	07-01-98	n/a	583	9,378	.40
		n/a	4/13/98	6/30/99	Internet Access	07-01-98	3625	300	1,800	.40
					Internal Connections (Shared)					
					Telecommunication Services					
					Internet Access					
					Internal Connections (Shared)					

Take off 7/1/98 see Edlin

Contact Person's Name Gloria B. Brazie and Phone Number: (413) 637-5550

16. "Site Specific" Services: Internal connections not shared by multiple schools or libraries and dedicated ("private line") connections from only one school or library to an ISP or other end-user.

(1)	(2)	CONTRACT			(6)	(7)	Amount (See instructions about rounding)			(11)	(12)
SLC Number of Service Provider (Obtain from Service Provider)	Universal Service Control Number for Form 479 on which this is based	(3) Contract Number (if applicable)	(4) Award Date	(5) Expiration Date	Services or Products	Service Start Date	(8) Estimated One Time Pre-discount Cost	(9) Estimated Monthly Pre-discount Cost	(10) Estimated Total Annual Pre-discount Cost	Percent-age Dis-count (from Item 14)	School or Library Code (Listed on website)
					Dedicated Services						
					Internal Connections						
					Dedicated Services						
					Internal Connections						
					Dedicated Services						
					Internal Connections						
					Dedicated Services						
					Internal Connections						
					Dedicated Services						
					Internal Connections						

JUN-01-2000

Contact Person's Name Gloria B. Brazie and Phone Number: (413) 637-5550

17. ☒ Check this box to confirm that, for each service provider listed in 15 and 16, above, a list is attached (as an appendix to this form) of all of the services that each service provider is providing to the billed entity. Service providers should provide these lists on request.

18. a. Total dollars of support allocated for this application for the entire funding year (calculated by administrator)

b. Amount of support set aside for this application for the first six months of the year (calculated by administrator)

19. Provide the total estimated cost (pre-discount price) for the services you expect to order in the funding year following the one for which you are applying here. (This figure is not binding.) **\$26,000**

20. Is your order solely for basic telephone service? ☐ Yes ☒ No

Block 6: Certifications and Signature

21. The applicant is eligible for support because it includes: (Check one or both.)
- ☒ schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965, 20 U.S.C. Secs. 8801(14) and (25), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million; and/or
 - ☐ libraries or library consortia eligible for assistance from a state library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools', including, but not limited to, elementary and secondary schools, colleges, or universities.
22. The school(s) or library(ies) I represent have secured access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to make effective use of the services purchased as well as to pay the discounted charges for eligible services.
23. All of the individual schools, libraries, and library consortia listed above in items 15 and 16 are covered by:
- ☒ an individual; and/or
 - ☐ higher-level technology plan(s) for using the services requested in this application (if those services consist of other than voice services).
24. Status of technology plans (check one):
- ☒ Technology plan(s) has/have been approved; or
 - ☐ Technology plan(s) will be approved by a state or other authorized body; or
 - ☐ Technology plan(s) will be submitted to Schools and Libraries Corporation for approval.
25. I certify that the entities eligible for support that I am representing have complied with all applicable state and local laws regarding procurements of services for which support is being sought.
26. I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.
27. I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service receive an appropriate share of benefits from those services.
28. I recognize that I may be audited pursuant to this application and will retain for five years any and all worksheets and other records that I rely upon to fill out this application.
29. I certify that I am authorized to submit this request on behalf of the above-named institution, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

30. Signature <u>Gloria B. Brazie</u>	31. Date <u>April 13, 1998</u>
32. Printed name of authorized person <u>Gloria B. Brazie</u>	
33. Title or position of authorized person <u>Director of Business Services</u>	

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

Contact Person's Name Gloria B. Brazil

and Phone Number: _____

(413) 637-5550

NOTICE TO INDIVIDUALS: Section 34.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file the Services Order and Certification Form (FCC Form 471) with the Universal Service Administrator 47 C.F.R. § 34.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirements contained in 47 C.F.R. § 34.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation of potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government, is a party of a proceeding before the body or has an interest in the proceeding.

If you owe a past due debt to the federal government, the taxpayer identification number (such as your social security number) and other information you provide may also be disclosed to the Department of the Treasury, Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

With the exception of your social security number, if you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Privacy Act of 1974, Pub. L. No. 93-579, December 31, 1974, 5 U.S.C. § 552, and the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, *et seq.*

Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, D.C. 20554.

This form should be submitted to:

Schools and Libraries Corporation
P.O. Box 4217
Iowa City, Iowa 52244-4217
1-888-203-8100

LENOX PUBLIC SCHOOLS

No. 17 List of Services:

Bell Atlantic – local telephone service
56k frame relay service
384k frame relay service
128k ISDN

AT&T – long distance services

Logical Net Corporation
1 – 384k connection
1 – Cisco 1600 Router IP version IV.35 cable
1 – Kentrex CSU/DSU with Smart Jack Cable
2 – Cisco 760 ISDN Routers



Box 125 - Correspondence Unit
100 South Jefferson Road
Whippany, NJ 07981

RECEIVED
JUN 11 1999
FCC MAY 1999

LENOX PUBLIC SCHOOL DISTRICT

GLORIA B. BRAZIE
6 WALKER ST
LENOX MA 01240-2741

JAN 25 1999

January 19, 1999

Re: Form 471 Application Number: 108524
Funding Year: 1998
Billed Entity Number: 120117

We have completed our review of your FCC Form 471, Services Ordered and Certification Form, and made decisions with respect to your requests for discounts along with other applications received within the same time period. This letter is to advise you of our decisions.

As you may know, the Federal Communications Commission (FCC) in June 1998 made two changes to the Universal Service Fund for schools and libraries that have direct bearing on your discount request for 1998. First, the 1998 program year has been extended by six months, for a new ending date of June 30, 1999. Second, the FCC established new funding priorities whereby all eligible applicants will receive discounts for eligible telecommunications services and Internet access. Support for internal connections will be allocated in accordance with need so that schools and libraries will receive discounts in order of the discount percentages for which they qualify beginning with applications qualifying for the highest discount percentages. Discounts for internal connections will continue until all funds are exhausted. These changes are reflected in the information in this letter regarding your discount request.

On the following page(s) is a list, by row of Items 15 and 16 of your FCC Form 471. For each item, there is a Funding Request Number (FRN) and several other

very important pieces of information relating to the disposition of that request. A complete explanation of each item begins below.

If you have any questions about our decisions on your discounts, you may send them in writing to the Schools and Libraries Corporation, Box 125 - Correspondence Unit, 100 South Jefferson Road, Whippany, NJ 07981.

Your next step in the discounting process is to complete and submit the FCC Form 486 enclosed with this letter to notify the SLC that you are currently receiving or have already begun to receive services for which discounts have been approved. This will enable your service providers to invoice SLC for your discounts. Please note that we are notifying each service provider listed on your Form 471 of our decision on your discount request. In addition, you should contact each service provider yourself to make any necessary arrangements regarding start of services, billing of discounts, and any other administrative details relevant to your participation in the Universal Service Fund. For important information about your Form 486, see next page.

FCC Form 471 Applicants who are approved for discount eligibility are reminded that they continue to be subject to audits and other reviews that the SLC may undertake to assure that discounted services are being used in compliance with program rules. If the SLC discovers that discounted services are not being used in compliance with program rules, 471 Applicants will be subject to enforcement activities and other means of recourse by the SLC and other appropriate Federal, state, and local authorities.

Explanation of Information Provided in SLC Funding Notification

On the following pages we provide you with a synopsis of the discount eligibility decision for each item you requested. To help understand this synopsis the following definitions are provided:

- * **Funding Request Number (FRN):** A number assigned by the SLC that will identify a Funding Request. A Funding Request is a single row of item 15 or 16.
- * **Funding Status:** An item may be "Funded," "Denied," "Partially Funded," or not approved because of "Funds Exhausted." An item that is "Funded" will be approved at the level that SLC determines is appropriate for that item. That will generally be the level requested by the Applicant unless the SLC determines during the application review process that some adjustment is appropriate, for example, a different discount percentage for that item than the FCC Form 471 featured. If an item is "Denied," that denial will be briefly explained in the "Funding Commitment Decision," and amplification of that explanation may be offered in the section, "Funding Commitment Decision Explanation." An item will be "Partially Funded" or "Unfunded," in accordance with FCC program rules, if the total amount of funds in the Universal Service Fund is insufficient to fully fund all approved requests. If the Form 471 was received after all the funds in the Universal Service Fund were allocated and it was processed, the status will indicate "Unfunded - Funds Exhausted."
- * **SPIN (Service Provider Identification Number):** A unique number assigned to each service provider by the Universal Service Administrative Company (USAC).
- * **Service Provider Name:** The legal name of the service provider.
- * **Provider Contract Number:** The number of the contract between the eligible party and the service provider. This will be present only if a contract number was provided on Form 471.
- * **Services Ordered:** The type of service ordered from the service provider, as shown on Form 471.

- * **Earliest Possible Effective Date of Discount:** The first possible date of service for which the SLC will reimburse the service provider for discounted services. Note: If the actual service start date provided on a Form 486 is later than this date, the actual service start date set forth in the Form 486 will be the effective date of the discount.
- * **Contract Expiration Date:** The date the contract expires. This will be present only if a contract expiration date was provided on Form 471.
- * **Estimated Total Annual Pre-discount Cost:** Amount in Column 10 of Item 15/16, Form 471 as determined through the application review process, PLUS an automatic extension of monthly costs for Telecommunications Services and Internet Access through June 30, 1999. Please note that, during the Problem Resolution process at SLC, the amount in Col. 10 of Item 15/16 may have been corrected to conform to the information provided about Service Start Date and Monthly Costs.
- * **Discount Percentage Approved by SLC:** This is the discount rate that the SLC has approved for this service.
- * **Funding Commitment Decision:** This represents the total amount of funding that the SLC is now reserving to reimburse service providers for the cost of the discount for this service. This figure may be different from the Estimated Total Annual Pre-Discount Cost (Col. 10 of Item 15/16) times the Percentage Discount (Col. 11 of Item 15/16) in your application. It may be higher because of the addition of the monthly cost for Telecommunications Services and Internet Access for the six months from January 1, 1999, through June 30, 1999. It may be lower because of an adjustment determined appropriate by the SLC, such as of the discount percentage, or a denial of discounts and, if so, the accompanying comment will explain this difference. The difference may also reflect a reduction from the request level made necessary by overall funding limitations, in which case the "Funding Status" above will indicate "Partially Funded" or "Unfunded." Whatever amount is listed here, it is important that you and your service provider both recognize that the SLC should be invoiced and the SLC may direct disbursement of discounts on only eligible, approved services actually rendered.
- * **Funding Commitment Decision Explanation:** This entry may appear to amplify the comment in the "Funding Commitment Decision," if the discount request for this service is denied for reasons other than "Unfunded" or if the SLC determined that some adjustment to the request level was appropriate.

Using the Enclosed FCC Form 486 and Invoice

FCC Form 486: You will use this form to notify the SLC that you are currently receiving or have already received services for which discounts have been approved. Your completed Form 486 allows us to begin processing invoices from your service providers for your discounts. It also sets in motion the process by which you and your service provider can invoice SLC for approved services you have already paid for.

Each Billed Entity Applicant must file a separate Form 486, although each Billed Entity's Form 486 may include services from multiple Forms 471 if the same Billed Entity Number is listed on the various Funding Commitment Decision letters that you receive. When completing your Form 486, please be certain to use the Billed Entity Number as listed at the beginning of this Funding Commitment letter. (We may have revised or corrected the Billed Entity Number from your original Form 471, so please use the number exactly as it is listed in this letter.)

To assist in completing your Form 486, we have pre-printed your Block 1 information, including the Billed Entity Number. Please review the pre-printed

information. If you believe there is an error in the pre-printed information -except for the Billed Entity Number-please cross off and print the correct information above each item. Then make multiple copies of this Billed Entity -specific Form 486 for future use, and follow the instructions with the form to complete and submit it to SLC.

Billed Entity Applicant Reimbursement Form: If you have already paid in full for services for which you are now being approved for discounts, you can use the enclosed Billed Entity Applicant Reimbursement Form to seek reimbursement from your service provider. This Form is not for use by service providers, who have their own invoice form. If you plan to submit a Billed Entity Applicant Reimbursement Form, please read and follow the instructions carefully regarding the Form as well as the Form 486 to avoid delay in processing your reimbursement.

SLC Funding Notification Synopsis for Application Number: 00108524

Funding Request Number: 00131196 Funding Status: Funded
SPIN: 143001219 Service Provider Name: MVP Communications, Inc.
Provider Contract Number: T
Services Ordered: Telecommunications Services
Effective Date of Discount: 03/31/1998 Contract Expiration Date:
Estimated Total Annual Pre-discount Cost: \$22,490.50
Discount Percentage Approved by SLC: 40%
Funding Commitment Decision: \$8,996.20 - 471 approved as submitted

Funding Request Number: 00131197 Funding Status: Funded
SPIN: 143001219 Service Provider Name: MVP Communications, Inc.
Provider Contract Number: T
Services Ordered: Internet Access
Effective Date of Discount: 03/31/1998 Contract Expiration Date:
Estimated Total Annual Pre-discount Cost: \$5,928.75
Discount Percentage Approved by SLC: 40%
Funding Commitment Decision: \$2,371.50 - 471 approved as submitted

Funding Request Number: 00131198 Funding Status: Unfunded or Denied
SPIN: 143009268 Service Provider Name: Logical Net Corporation
Provider Contract Number: C
Services Ordered: Internal Connections (Shared)
Effective Date of Discount: 07/01/1998 Contract Expiration Date: 06/30/1999
Estimated Total Annual Pre-discount Cost: \$5,425.00
Discount Percentage Approved by SLC: N/A
Funding Commitment Decision: \$0.00 - Srvc/Discnt will NOT be funded
Funding Commitment Decision Explanation: The category of service changed from
INTERNET ACCESS to INTERNAL CONNECTIONS. Funding cap will not provide for Internal
Connections less than 50% discount to b

LENOX PUBLIC SCHOOLS

Massachusetts 01240 • 413-637-5550
Richard M. Miller, Superintendent

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JUN 11 1999
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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

January 28, 1999

Schools and Library Corporation (Division)
Letter of Appeal
Box 125 - Correspondence Unit
100 South Jefferson Rd.
Whippany, NJ 07981

RE: Funding Notification
Form 471 Application Number 00108524
Funding Year 1998
Billed Entity Number 120118

LETTER OF APPEAL

Regarding Funding Request Notice 00131198 Status: Unfunded or Denied

SPIN: 143009268 Service Provider Name: Logical Net Corporation

Quoted text of the Funding Commitment Decisions Letter:

"Funding Commitment Decision Explanation: The category of service changed from INTERNET ACCESS to INTERNAL CONNECTIONS. Funding cap will not provide for Internal Connections less than 50% discount to b"

BASIS OF THE APPEAL

Form 471 stated that the Service Provider, Logical Net Corporation, would provide INTERNET ACCESS service. The Billed Entity, Lenox Public School District, has contracted with the SP for Internet Access at \$300/month for an Internet PORT at a maximum capacity of 384KB via a Frame Relay circuit provided by Bell Atlantic. The contract between the Billed Entity and the Service Provider is for INTERNET ACCESS only and does not involve any internal connection services or costs.


Henry C. Maimin, Director of Business Services

Date 1/28/99

file copy

LENOX PUBLIC SCHOOLS
Massachusetts 01240 • 418-637-5550
Roland M. Miller, Superintendent

JUN 11 1999

March 24, 1999

Schools and Library Corporation (Division)
Box 125 – Correspondence Unit
100 South Jefferson Rd.
Whippany, NJ 07981

Gentlemen:

By letter dated January 28, 1999 [copy enclosed] we filed a Notice of Appeal regarding your decision not to fund our internet access for the current year. In a second letter of that date [copy enclosed] we also filed a notice requesting that you correct a SPIN number for our local telecommunications provider, Bell Atlantic.

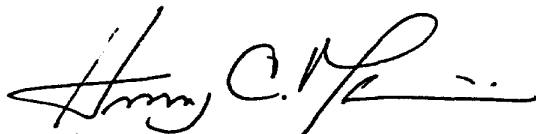
We have received your letter dated February 19 in which you acknowledge receipt of our correspondence and indicate your goal of responding within 45 days of the date of our initial letters.

Inasmuch as more than 45 days have passed since the date of our letters we are hopeful that you have now had ample time to reach a decision. Because of the constraints of our fiscal year, which ends June 30, we need to know immediately if we will be receiving approval of our internet access request so that we can pay our internet service provider the correct amount; they have been very patient waiting for payment pending this appeal.

Similarly, if our request to revise the SPIN number to properly reflect Bell Atlantic is to be granted, we need you to advise us immediately so we may revise our payments over the last three months of our fiscal year to reflect the anticipated credit.

Thank you very much for your prompt reply and continued cooperation.

Sincerely,



Henry C. Maimin
Director of Business Services

cc: LogicalNet

USAC

UNIVERSAL SERVICE
ADMINISTRATIVE CO.

Box 125 - Correspondence Unit
100 South Jefferson Road
Whippany, New Jersey 07981

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Rec'd 5/28/99

SCHOOLS AND LIBRARIES DIVISION

Administrator's Decision on Appeal

May 26, 1999

Henry C. Maimin
Lenox Public Schools
6 Walker Street
Lenox MA, 01240

Re: Billed Entity Number: 120117
Application Number: 108524
Funding Request Number(s): 131198
Your Correspondence Dated: January 28, 1999, March 24, 1999

After thorough review and investigation of your appeal, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has resolved your appeal which seeks approval of additional discounts for the first program year. This letter addresses our decision concerning each Funding Request Number which was included in your letter of appeal for the above referenced Application Number. If your letter of appeal addressed more than one Application Number, a separate letter will be issued to inform you of our decision on the appeal of each Application Number included in your appeal.

Funding Request Number: 131198

Decision on Appeal: Denied in Full.

The following explanation is provided to inform you of the reason for our decision on appeal of this Funding Request Number, for those appeals that are denied in full.

Denial Reasons:

- Services the applicant listed as Internet access included some internal connection services, specifically Cisco routers. Such equipment is clearly listed on the Eligible Services List as an internal connections service, and is considered an internal connections service regardless of use. These funding requests were categorized as internal connections services so as to avoid the possibility of treating priority two services (internal connections) as priority one services (telecommunications, dedicated and Internet access services). Since internal connections are funded only at the 70% level or above, these services could not be supported for this funding period.
- We apologize for the delay in responding to your appeal, which was due to our very careful consideration-and ultimately, confirmation- of the above policy position.

If you feel further examination of your application is in order, you may file an appeal with the Federal Communications Commission, Office of the Secretary, 445 12TH Street, SW, Room TW-A325, Washington, DC 20554. Before preparing and submitting your appeal, please be sure to review the FCC rules concerning the filing of an appeal of an Administrator's Decision, which are posted to the SLD Web Site at < www.sl.universalservice.org >. You must file your appeal with the FCC no later than 30 days from the date of the issuance of this letter, in order for your appeal to be timely filed.

Once this appeal decision letter is issued to you, we can and will process invoices that may be submitted for Funding Request Numbers approved for discounts in the originally issued Funding Commitment Decisions Letter issued to you.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company